

CUSTOMER NO.34456

**REMARKS**

The Office Action dated March 24, 2004 has been received and carefully considered. Claims 22-26 have been added. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

**Claims 1-3, 5, 7-10, and 21 are allowable**

At page 3 of the Office Action, claims 1-3, 5, 7-10, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by So (U.S. Patent No. 5,909,559). This rejection is respectfully traversed.

Claim 1, from which claims 2-3, 5, 7-9, and 21 depend, recites "a processor operatively coupled to the communication port, the processor adapted to determine a bit rate associated with communications from the peripheral device." This element is not disclosed by So. So discloses a bus interface circuit that communicates between two processors. So, Abstract. So does not disclose a processor that is adapted to determine a bit rate associated with communications from a peripheral device. The Action states that this element is disclosed at column 130, lines 41-48 and col. 33, lines 44-59. However, column 130, lines 41-48 disclose only that the So system can include a modem. Further, column 33, lines 44-59 of So discloses a "modem allocation table default entry." There is no disclosure that the modem allocation table default entry, or any other portion of the So system, determines a bit rate associated with communications from a peripheral device. Accordingly, So fails to disclose each and every element of claim 1.

Claims 2-3, 5, 7-9, and 21 depend from claim 1. Accordingly, So fails to disclose each and every element of these claims, at least by virtue of their dependency on claim 1.

Claim 10 recites a "processor for adapting the transceiver to a bit rate associated with the peripheral device." This element is not disclosed or suggested by So. As explained above, So does not disclose a processor that adapts a transceiver to a bit rate associated with a peripheral device. Accordingly, So fails to disclose each and every element of claim 10.

CUSTOMER NO.34456

As explained above, So fails to disclose each and every element of claims 1-3, 5, 7-10, and 21. Accordingly, it is respectfully submitted that the rejection of these claims is improper. Withdrawal of the rejection and reconsideration of the claims therefore is respectfully requested.

**Claim 20 is allowable**

At page 5 of the Office Action, claim 20 was rejected under 35 U.S.C. § 102(b) as anticipated by Goldstein (U.S. Patent No. 5,317,594). This rejection is respectfully traversed.

Claim 20 recites "transmitting a known character from the peripheral device to the host device at a peripheral device bit rate." As explained in Applicants' Response To Office Action of September 6, 2005, this element is not disclosed by Goldstein. In addition, Goldstein fails to teach or suggest "receiving a reply character from the host device at a target bit rate that potentially matches the peripheral device bit rate" and also fails to disclose confirming a target bit rate, as recited in claim 20. The Office Action asserts at page 2 that these elements are disclosed because Goldstein discloses a modem and modems are "known" to send characters, "known" to connect at a particular bit rate depending on a signal to noise ratio, and "known" that characters can be composed of tones. However, the Office Action fails to cite a reference supporting that these characteristics of modems are well known in the art. Further, these citations to what is allegedly "well known" in the art are inappropriate to support a rejection under 35 U.S.C. § 102(b). *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (To support a rejection under 35 U.S.C. § 102 "[t]he identical invention must be shown in as complete detail as is contained in the ... claim"); *see also* MPEP § 2131.

Further, the Office Action states that modems are allegedly known to adjust a connection bit rate based on a signal to noise ratio. The Office Action does not state that a modem is known to receive a reply character from a host device at a target bit rate that potentially matches a peripheral device bit rate, as recited by claim 20. Accordingly, Goldstein fails to disclose each and every element of claim 20. Therefore, it is

CUSTOMER NO.34456

respectfully submitted that the rejection of this claim is improper. Withdrawal of the rejection and reconsideration of claim 20 is respectfully requested.

**Claim 4 is allowable**

At page 5 of the Office Action, claim 4 was rejected under 35 U.S.C. § 103(a) over So. This rejection is respectfully traversed.

Claim 4 recites "a universal asynchronous receiver transmitter for transmitting and receiving communications to and from, respectively, the peripheral device via the communication port." The Office Action admits that this element is not disclosed by So, but alleges that the element is well known in the art. However, the Office Action fails to cite a reference showing that this element is well known, and does not give any supporting evidence that the element is well known in the art. Accordingly, So fails to disclose or suggest each and every element of claim 4. Therefore, it is respectfully submitted that the rejection of this claims is improper. Withdrawal of the rejection and reconsideration of claim 4 is respectfully requested.

**Claims 6 and 11-17 are allowable**

At page 6 of the Office Action, claims 6 and 11-17 were rejected under 35 U.S.C. § 103(a) over So and further in view of Key (U.S. Patent No. 5,008,902). Claim 12 was previously cancelled. The rejection of the remaining claims is respectfully traversed.

With respect to claim 6, this claim depends from claim 1. As explained above, So fails to disclose or suggest each and every element of claim 1. Further, Key does not remedy the deficiency of So. Key discloses a method for determining the baud rate of a data stream by comparison of captured data to known autobaud characters. *Key*, Abstract. Key does not disclose a processor operatively coupled to a communication port, the processor adapted to determine a bit rate associated with communications from a peripheral device, as recited by claim 1. Accordingly, So and Key, individually and in combination, fail to disclose or suggest each and every element of claim 6, at least by virtue of its dependency on claim 1.

CUSTOMER NO.34456

In addition, claim 6 recites "wherein the processor determines the bit rate associated with communications from the peripheral device by adjusting a receiving bit rate associated with the portable audio player until a known character transmitted by the peripheral device is recognized by the portable audio player." The Office Action admits that this element is not disclosed or suggest by So, but asserts that the element is disclosed by Key at column 1, lines 10-14. However, this portion of Key states "Automatic baud rate detection (autobaud) is used in current communication products such as modems, printers and plotters to facilitate the proper synchronization of transmission rates to send information such as data over a communication medium." Key, col. 1, lines 10-14. Accordingly, Key discloses only that a baud rate is **detected**, but does not disclose **determining** a bit rate by adjusting a receiving bit rate associated with the portable audio player until a known character transmitted by the peripheral device is recognized by the portable audio player, as recited by claim 6. Accordingly, So and Key, individually and in combination, fail to disclose or suggest each and every element of claim 6.

Claim 11, from which claims 13-17 depend, recites "determining the peripheral device bit rate in response to the portable audio player recognizing the known data." As explained above, neither So nor Key disclose or suggest determining a bit rate of a peripheral device. Accordingly, So and Key, individually and in combination, fail to disclose or suggest each and every element of claim 11. Further, So and Key, individually and in combination, fail to disclose or suggest each and every element of claims 13-17, at least by virtue of their dependency on claim 11.

As explained above, So and Key fail to disclose or suggest each and every element of claims 6, 11 and 13-17. Accordingly, it is respectfully submitted that the rejection of these claims is improper. Withdrawal of the rejection and reconsideration of these claims therefore is respectfully requested.

CUSTOMER NO.34456

**Claim 18 is allowable**

At page 7 of the Office Action, claim 18 was rejected under 35 U.S.C. § 103(a) over So and Key, and further in view of Goldstein. This rejection is respectfully traversed.

Claim 18 depends from claim 11. As explained above, So and Key fail to disclose or suggest each and every element of claim 11. Further, Goldstein does not remedy the deficiency of So and Key. In particular, Goldstein does not disclose determining a peripheral device bit rate in response to a portable audio player recognizing known data, as recited by claim 11. Accordingly, So, Key, and Goldstein, individually and in combination, fail to disclose or suggest each and every element of claim 18, at least by virtue of its dependency on claim 11. Therefore, it is respectfully submitted that the rejection of this claim is improper. Withdrawal of the rejection and reconsideration of claim 18 is respectfully requested.

**Claim 19 is allowable**

At page 8 of the Office Action, claim 19 was rejected under 35 U.S.C. § 103(a) over the combination of Key and Goldstein. This rejection is respectfully traversed.

Claim 19 recites "in response to the host device not recognizing the known character, adjusting the first bit rate." As explained above, neither Key nor Goldstein disclose or suggest adjusting a bit rate in response to a host device not recognizing a known character that is transmitted from a peripheral device. Accordingly, Key and Goldstein, individually and in combination, fail to disclose or suggest each and every element of claim 19. Therefore, it is respectfully submitted that the rejection of this claim is improper. Withdrawal of the rejection and reconsideration of claim 19 is respectfully requested.

**CONCLUSION**

Applicants respectfully submit that the present application is in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

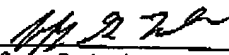
CUSTOMER NO.34456

If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

2-14-2006  
Date

  
Jeffrey G. Toler, Reg. No. 38,342  
Attorney for Applicant(s)  
TOLER, LARSON & ABEL, L.L.P.  
5000 Plaza On The Lake, Suite 265  
Austin, Texas 78746  
(512) 327-5515 (phone)  
(512) 327-5452 (fax)